IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

JOINT MOTION SEEKING ENTRY OF A PROTECTIVE ORDER, ORDER REGARDING PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION, AND DISCOVERY ORDER

Come now, Plaintiff Bandspeed, Inc. ("Bandspeed") on the one side, and Defendant Cambridge Silicon Radio Limited ("CSR") on the other side, and file this Joint Motion Seeking Entry of a Protective Order, Order Regarding Production of Documents and Electronically Stored Information ("ESI Order"), and Discovery Order.

Bandspeed and CSR first submitted competing proposed Protective Orders, ESI Orders, and Discovery Orders to the Court on January 6, 2012. [Docs. 735-737 (Bandspeed), Doc. 734 (CSR)] The Court did not rule on the parties' competing proposals. At a status conference on April 12, 2012, Bandspeed and CSR informed the Court that the parties would submit a joint motion seeking entry of a Protective Order, ESI Order, and Discovery Order reflecting the parties' recent negotiations.

The parties have conferred and exchanged proposed Protective Orders, ESI Orders, and Discovery Orders, but have been unable to resolve all of their disagreements. Accordingly, the parties hereby submit competing proposed

Protective Orders, ESI Orders, and Discovery Orders for consideration by the Court. Documents comparing the parties' proposed orders are attached hereto as Exhibits A (Protective), B (ESI), and C (Discovery). Bandspeed and CSR will also file separate, simultaneous Memoranda in support of their positions on this motion.

Dated: April 17, 2012

Respectfully submitted,

By: <u>/s/ Mikal C. Watts</u> Mikal C. Watts

State Bar. No. 20981820 Christopher V. Goodpastor State Bar No. 00791991

WATTS GUERRA CRAFT LLP

811 Barton Springs Road

Suite 725

Austin, Texas 78704

Telephone: (512) 479-0500 Facsimile: (512) 479-0502

Email: <u>mcwatts@wgclawfirm.com</u> <u>cgoodpastor@wgclawfirm.com</u>

Edward W. Allred State Bar No. 50511764 Francisco Guerra, IV State Bar No. 00797784 Mark Fassold State Bar No. 24012609 Shalimar S. Wallis State Bar No. 24033191 WATTS GUERRA CRAFT LLP 300 Convent Street, Suite 100 San Antonio, Texas 78205 Telephone: (210) 527-0500

Facsimile: (210) 527-0501 Email: <u>eallred@wgclawfirm.com</u> fguerra@wgclawfirm.com

mfassold@wgclawfirm.com swallis@wgclawfirm.com Kurt M. Sauer State Bar No. 17673700 Kevin L. Daffer State Bar No. 05307300 DAFFER MCDANIEL, L.L.P. 700 Lavaca, Suite 720 Austin, Texas 78701 Telephone: (512) 476-1400 Facsimile: (512) 703-1250

Email: <u>ksauer@dmtechlaw.com</u> kdaffer@dmtechlaw.com

ATTORNEYS FOR PLAINTIFF BANDSPEED, INC.

By: <u>/s/Claudia Wilson Frost</u> Claudia Wilson Frost Christopher J. Richart DLA PIPER LLP 1000 Louisiana, Suite 2800 Houston, TX 77002

Email: <u>claudia.frost@dlapiper.com</u> <u>chris.richart@dlapiper.com</u>

David A. Jakopin
Matthew W. Hindman
PILLSBURY WINTHROP SHAW
PITTMAN
2475 Hanover Street
Palo Alto, CA 94304-1114
Email: david.jakopin@pillsburylaw.com
matthew.hindman@pillsburylaw.com

Kerry L. Konrad Simpson Thatcher & Bartlett, LLP 425 Lexington Avenue New York, NY 10017 Email: kkonrad@stblaw.com

John D. Antoni Antoni Albus, LLP 11836 West Pico Blvd. Los Angeles, CA 90064 Email: antoni@aallp.com

ATTORNEYS FOR INTERVENOR, CAMBRIDGE SILICON RADIO LIMITED

CERTIFICATE OF SERVICE

The undersigned certifies that on April 17, 2012 the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the parties listed below.

<u>(s/ Christopher V. Goodpastor</u>
Christopher V. Goodpastor

Claudia Wilson Frost Christopher J. Richart DLA PIPER LLP 1000 Louisiana, Suite 2800 Houston, TX 77002

David A. Jakopin Matthew W. Hindman PILLSBURY WINTHROP SHAW PITTMAN 2475 Hanover Street Palo Alto, CA 94304-1114

Kerry L. Konrad Simpson Thatcher & Bartlett, LLP 425 Lexington Avenue New York, NY 10017

John D. Antoni Antoni Albus, LLP 11836 West Pico Blvd. Los Angeles, CA 90064

ATTORNEYS FOR INTERVENOR, CAMBRIDGE SILICON RADIO LIMITED

Megan M. Honey Stacy Allen JACKSON WALKER L.L.P. 100 Congress Avenue, Suite 1100 Austin, TX 78701

Elizabeth Alquist Nicholas Pisarsky DAY PITNEY LLP 242 Trumbull Street Hartford, CT 06103 Cecilia Zhang Stiber DAY PITNEY LLP One Canterbury Green Stamford, CT 06901

ATTORNEYS FOR DEFENDANT LEGO SYSTEMS, INC.

William B. Nash Brenna G. Nava HAYNES BOONE 112 E. Pecan, Ste. 1200 San Antonio, TX 78205

ATTORNEYS FOR DEFENDANT PARROT, INC.

James H. Lin Michael Ting FREITAS, TSENG & KAUFMAN LLP 100 Marine Parkway, Suite 200 Redwood City, CA 94065

Roger Brian Craft FINDLAY CRAFT LLP 6760 Old Jacksonville Hwy., Suite 101 Tyler, TX 75703

Eric Hugh Findlay FINDLAY CRAFT LLP 6760 Old Jacksonville Hwy., Suite 101 Tyler, TX 75703

ATTORNEYS FOR DEFENDANTS ACER, INC. AND ACER AMERICA CORPORATION

Christopher R. Johnson Kevin J. Terrazas YETTER COLEMAN LLP 221 Sixth Street Suite 750 Austin, TX 78701 Lawrence G. Kurland Joseph J. Richetti BRYAN CAVE LLP 1290 Avenue of the Americas New York, NY 10104

ATTORNEYS FOR DEFENDANTS BELKIN INTERNATIONAL, INC. AND BELKIN, INC.

Charles I. Kelhoffer John Shorb KELHOFFER MANOLIO & FIRESTONE 9300 East Raintree Drive, Suite 120 Scottsdale, Arizona 85260

Clyde Moody Siebman SIEBMAN REYNOLDS BURG & PHILLIPS LLP 300 N Travis St Sherman, TX 75090-0070

Bryan H. Burg Stephanie R. Barnes SIEBMAN REYNOLDS BURG & PHILLIPS LLP 4949 Hedgecoxe Rd., Suite 230 Plano, TX 75024

ATTORNEYS FOR DEFENDANT BLUETOOTH SIG, INC.

Stephen E. McConnico Steven J. Wingard SCOTT, DOUGLAS & MCCONNICO One American Center 600 Congress Avenue, 15th Floor Austin, TX 78701

Eric A. Buresh SHOOK, HARDY & BACON, L.L.P. 2555 Grand Blvd. Kansas City, MO 64108-2613

Adam P. Seitz Michelle L. Marriott Erise IP, P.A. 5251 West 116th Place, Suite 200 Leawood, KS 66211

ATTORNEYS FOR DEFENDANTS GARMIN INTERNATIONAL, INC. AND GARMIN USA, INC.

William B. Nash Brenna G. Nava HAYNES AND BOONE 112 East Pecan Street, Suite 1200 San Antonio, TX 78205-1540

ATTORNEYS FOR DEFENDANTS GN NETCOM A/S AND GN U.S., INC.

Brian P. Wikner Jason C. Fan Kyle D. Chen Lori R. Mason COOLEY LLP Five Palo Alto Square 3000 El Camino Real Palo Alto, CA 94306

Heidi Lyn Keefe Mark R. Weinstein COOLEY LLP 3175 Hanover Street Palo Alto, CA 94304-1130

Roger Brian Craft FINDLAY CRAFT LLP 6760 Old Jacksonville Hwy., Suite 101 Tyler, TX 75703

Eric Hugh Findlay FINDLAY CRAFT LLP 6760 Old Jacksonville Hwy., Suite 101 Tyler, TX 75703

Thomas J. Friel COOLEY LLP 101 California Street, 5th Floor San Francisco, CA 94111

ATTORNEYS FOR DEFENDANTS HTC CORPORATION AND HTC AMERICA, INC.

Daniel T. Conrad Daniel Thomas O'Brien JONES DAY 2727 N. Harwood Street Dallas, TX 75201-1515

ATTORNEYS FOR DEFENDANTS HUAWEI TECHNOLOGIES CO., LTD.

Victor M. Felix Anthony J. Dain Noel Gillespie Robin Phillips PROCOPIO CORY HARGREAVES & SAVITCH, LLP 525 B Street, Suite 2200 San Diego, CA 92101

William B. Nash HAYNES AND BOONE 112 East Pecan Street, Suite 1200 San Antonio, TX 78205-1540

ATTORNEYS FOR DEFENDANTS KYOCERA INTERNATIONAL, INC. AND KYOCERA COMMUNICATIONS, INC.

David J. Healey Michael J. McKeon Garland T. Stephens Wasif H. Qureshi FISH & RICHARDSON PC 1221 McKinney Street, Ste 2800 Houston, TX 77010

ATTORNEYS FOR DEFENDANTS LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., AND LG ELECTRONICS MOBILECOMM U.S.A., INC.

William H. Boice Michael J. Turton Bonnie M. Grant KILPATRICK TOWNSEND & STOCKTON LLP 1100 Peachtree Street, Suite 2800 Atlanta, GA 30309-4530 Steven D. Moore KILPATRICK TOWNSEND & STOCKTON LLP 1001 West Fourth Street Winston-Salem, NC 27101

Mark A. Mayfield Mark T. Mitchell GARDERE WYNNE SEWELL LLP One America Center 600 Congress Avenue Suite 3000 Austin, TX 78701

ATTORNEYS FOR DEFENDANTS MOTOROLA MOBILITY INC. AND MOTOROLA SOLUTIONS, INC.

Thomas E. Bejin R. Terrance Rader Stephen J. Kontos RADER, FISHMAN & GRAUER, PLLC 39533 Woodward Ave., Suite 140 Bloomfield Hills, MI 48304

J. Pat Heptig Heptig Law Group, Ltd. 1700 Pacific Ave., Suite 2650 Dallas, TX 75240

ATTORNEYS FOR DEFENDANTS PLANTRONICS, INC.

Teague I. Donahey Aseem Saran Gupta Philip W. Woo SIDLEY AUSTIN LLP 555 California Street Suite 2000 San Francisco, CA 94104

David T. Pritikin SIDLEY AUSTIN LLP Bank One Plaza One South Dearborn Chicago, IL 60603 Ajeet P. Pai David B. Weaver VINSON & ELKINS LLP 2801 Via Fortuna Suite 100 Austin, TX 78746

Brian Ralph Nester Kevin Christopher Wheeler SIDLEY AUSTIN LLP 1501 K Street NW Washington, DC 20005

Duy D. Nguyen SIDLEY AUSTIN LLP 1001 Page Mill Road, Bldg. 1 Palo Alto, CA 94304

Li Chen SIDLEY AUSTIN LLP 717 N. Harwood, Suite 3400 Dallas, TX 75201

Steven R. Borgman William L. LaFuze VINSON & ELKINS LLP 1001 Fannin St., Suite 2500 Houston, TX 77002

Kelly A. Krellner SIDLEY AUSTIN LLP 555 California Street, Suite 2000 San Francisco, CA 94104 (415) 772-1200 Fax: (415) 772-7400

ATTORNEYS FOR DEFENDANTS RESEARCH IN MOTION LIMITED AND RESEARCH IN MOTION CORPORATION

Larry F. York MCGINNIS, LOCHRIDGE & KILGORE, LLP 600 Congress Avenue, Suite 2100 Austin, TX 78701 Brian H. Pandya Joseph Shin Kevin Paul Anderson James H. Wallace, Jr. WILEY REIN LLP 1776 K Street NW Washington, DC 20006

Colm MacKernan ORIGIN LTD. Twisden Works, Twisden Road London, UK NW5 1DN UK

Michael E. Jones POTTER MINTON P.C. P.O. Box 359 Tyler, TX 75710-0359

ATTORNEYS FOR DEFENDANTS TOMTOM INTERNATIONAL B.V. AND TOMTOM, INC.

Jeffrey K. Sherwood DICKSTEIN SHAPIRO LLP 1825 Eye Street NW Washington, D.C. 20006-5403

David Philip Whittlesey J. Rogers Williams, Jr. ANDREWS KURTH LLP 111 Congress Avenue Suite 1700 Austin, TX 78701

Lawrence Augustine Phillips SIEBMAN BURG PHILLIPS & SMITH, LLP 300 N. Travis St. Sherman, TX 75090-9969

ATTORNEYS FOR DEFENDANTS TOSHIBA CORPORATION, TOSHIBA AMERICA INFORMATION SYSTEMS, INC. AND TOSHIBA AMERICA, INC.